REMARKS

Claims 1, 2, 5-10, 13-20, 22-27, 29-36, 39-44, and 47-64 were pending in this application. Claims 1, 5, 9, 13, 17-19, 22, 26, 29, 33-35, 39, 43, 47, and 51-52 have been amended. Claim 65 has been added. With the entry of the claims submitted herewith, claims 1, 2, 5-10, 13-20, 22-27, 29-36, 39-44, and 47-65 will be pending. Reconsideration of the present application is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1, 2, 5, 9-10, 13, 17-20, 22, 26-27, 29, 33-36, 39, 43-44, 47, and 51-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,317,761 to Landsman *et al.* ("Landsman") in view of U.S. Pat. App. Pub. No. 2001/0005855 to Shaw *et al.* ("Shaw"), and in further view of U.S. Pat. App. Pub. No. 2004/0254853 to Heene *et al.* ("Heene"). In view of the amendments submitted herewith, Applicants respectfully submit that the applied references fail to teach or suggest each and every element in the claims. In particular, independent claims 1, 9, 17-19, 26, 33-35, 43, and 51-52 have been amended to recite a creative including both non-proprietary and proprietary information from the server-side system. For example, claim 1 has been amended to recite, *inter alia*:

> responsive to the advertising system, executing on the advertising system the programmable creative definition to generate the creative on the server-side system if the creative definition is a programmable creative definition, wherein executing the programmable creative definition includes:
>
> > retrieving, responsive to the programmable creative definition, proprietary information from a private database in the server-side system;
> >
> > retrieving, responsive to the programmable creative definition, non-proprietary information stored on the server-side system; and
> >
> > including at least a portion of the proprietary information and the non-proprietary information in the creative.

The Office Action acknowledges that "Landsman and Shaw fail to specifically disclose proprietary information from a private database in the server-side system and including at least a portion of the proprietary information in the creative." Office Action, page 6. To cure the

deficiencies of Landsman and Shaw, the Office Action applies the teachings of Heene. *Id.* The Office Action asserts:

> Heene *et al.* discloses a periodical publisher has an associated print classified ad database containing ad data used [in] printed advertisements. This data is proprietary to the publisher and the database is private to the publisher. Furthermore, an online classified ad is created from the printed classified ad stored in the print classified database wherein an online ad data formatting module receives ad data from the print classified as database, process the data by formatting into an online classified ad. (Paragraph 0048, 0068-0069) Thus, the proprietary data is used into the newly created online classified ad.

Id.

The Office Action appears to be reading the terms "private database" and "proprietary information" broadly to include any and all advertising data stored by the publisher of an online advertisement. In particular, the Office Action's reading of Heene requires that all data on the publisher-side, *i.e.*, server-side, is proprietary and that all databases on the publisher-side are private. In other words, Heene fails to make a distinction between proprietary and non-proprietary information on a server-side system. As such, even if the teachings of Heene could be combined with those of Landsman and Shaw as suggested by the Office Action, the combination would fail to yield a system that distinguishes between proprietary and non-proprietary information from a server-side system and to teach including both in a creative.

Because the applied references fail to teach or suggest a creative including proprietary from a server-side private database and non-proprietary information stored on the server-side, the applied references fail to teach or suggest each and every element in the claims. Thus, withdrawal of the rejection of independent claims 1, 9, 17-19, 26, 33-35, 43, and 51-52 is in order and is respectfully requested. In addition, Applicants respectfully submit that dependent claims 2, 5-8, 10, 13-16, 20, 22-25, 27, 29-32, 36, 39-32, 44, 47-50, and 53-64 are also allowable at least for the same reasons as their respective base claims 1, 9, 17-19, 26, 33-35, 43, and 51-52.

Additionally, new claim 65 is allowable because none of the prior art teaches or suggests generating creatives that include updates to the proprietary data. In particular, Heene also fails to teach or suggest proprietary data that changes. In fact, the advertisements in Heene are originally intended for print or for display on a static web site, based on existing print or online ads. *See* Heene, paragraph [0024].

Conclusion

It is Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. No fees are believed to be due, but the Commissioner is authorized to charge any fees which may be required in connection with this application (excluding the issue fee), or credit any overpayment, to Nixon Peabody Deposit Account No. 19-2380 (Order No. 002566-020000).

Respectfully submitted,

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